

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BOGDAN BELZOWSKI,
Petitioner,

v.

JOHN D. ASHCROFT, et al.,
Respondents.

CIVIL ACTION

NO. 04-11767-PBS

O R D E R

SARIS, D. J.

On August 12, 2004, petitioner Bogdan Belzowski, an immigration detainee confined at the Plymouth County Correctional Facility, filed a petition for a writ of habeas corpus under Section 2241, naming the United States Attorney General and the Sheriff of Plymouth County as Respondents.

ACCORDINGLY,

(1) The Clerk of this Court shall correct the caption of this action to reflect that Joseph McDonough, Sheriff of Plymouth County, is the sole respondent to this action. Vasquez v. Reno, 233 F.3d 688, 694 (1st Cir. 2000) (a petitioner's legal custodian is the individual having day-to-day control over the facility in which petitioner is being detained), cert. denied, sub nom. Vasquez v. Ashcroft, 122 S. Ct. 43 (2001); see Mass. Gen. Laws ch. 126 § 16 (sheriff shall have custody and control of the jails in his county...and shall be responsible for them).;

(2) The Clerk shall serve a copy of this order and the petition by certified mail upon the respondent, Sheriff Joseph McDonough, Plymouth County Correctional Facility, 26 Long Pond Road, Plymouth, MA 02360 AND counsel for the Respondent: (i) the United States Attorney; AND (ii) Frank Crowley, Department of Homeland Security, Special Assistant United States Attorney, P.O. Box 8728, JFK Station, Boston, MA 02114 by certified mail AND

(3) The Respondent shall file an answer or other responsive pleading within 20 days

of receipt of the petition; and

(4) The Respondent shall provide the Court with at least 48 hours advance notice of any scheduled deportation or removal of petitioner.

SO ORDERED.

8/17/2004
Date

s/ Patti B. Saris
United States District Judge

(2241servINS.wpd - 09/00)

[2241serv.]